

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Case No. 1:16CR224
BOGDAN NICOLESCU,)
RADU MICLAUS,)
Defendants.)

CONTINUED TRANSCRIPT OF TRIAL PROCEEDINGS OF
VERDICT BEFORE HONORABLE JUDGE PATRICIA A. GAUGHAN,
JUDGE OF SAID COURT, ON THURSDAY, APRIL 11TH,
2019, COMMENCING AT 12:01 O'CLOCK P.M.

Volume 13, Pages 2431 through 2438

Court Reporter: GEORGE J. STAUDUHAR
801 W. SUPERIOR AVE.,
SUITE 7-184
CLEVELAND, OHIO 44113
(216) 357-7128

1 APPEARANCES:

2 On behalf of the Government:

3 OFFICE OF THE U.S. ATTORNEY
4 BY: BRIAN M. McDONOUGH, AUSA
5 801 West Superior Ave., Suite 400
6 Cleveland, OH 44113

7 and

8 U.S. DEPARTMENT OF JUSTICE - CRIMINAL DIVISION
9 BY: BRIAN L. LEVINE, SENIOR COUNSEL
10 1301 New York Avenue, Suite 600
11 Washington, DC 20530

12 On behalf of Defendant Bogdan Nicolescu:

13 LAW OFFICE OF MICHAEL J. GOLDBERG
14 BY: MICHAEL J. GOLDBERG, ESQ.
15 323 Lakeside Place, Suite 450
16 Cleveland, OH 44113

17 On behalf of Defendant Radu Miclaus:

18 LIPSON O'SHEA
19 BY: MICHAEL J. O'SHEA, ESQ.
20 110 Hoyt Block Building
21 700 West St. Clair Avenue
22 Cleveland, OH 44113

23 - - - - -

24

25

PROCEEDINGS

(Jury in.)

THE COURT: My question is addressed to the foreperson.

Sir, it is my understanding that you have, in fact, reached a verdict.

Is that correct?

A JUROR: Yes, we have.

THE COURT: If you could please hand the forms to my judicial assistant.

With respect to each Count of the indictment listed below in which each Defendant is charged with the crimes listed below, we, the jury, having been duly impaneled and sworn find the Defendant, Count 1, wire fraud conspiracy, guilty as to both Defendants.

Counts 2 through 13, each charging wire
fraud, each count, guilty as to each Defendant;

Count 14, conspiracy, guilty as to both
Defendants felony, guilty; not misdemeanor.

Count 15, counterfeit service mark
conspiracy, guilty as to both Defendants.

Counts 16 through 20, aggravated identity theft, each count guilty as to each Defendant.

Count 21, money-laundering conspiracy,
guilty as to each Defendant.

1 With respect to the domain listed below, not
2 guilty as to each and every one of the domain names.

3 It is dated today April 11th, 2019, and
4 there are 12 signatures. Ladies and gentlemen, I am
5 going to ask you this one question.

6 Is this, in fact, your verdict? Please
7 answer simply yes or no.

8 Juror No. 1?

9 JUROR NO. 1: Yes.

10 THE COURT: No. 2?

11 JUROR NO. 2: Yes.

12 THE COURT: No. 3?

13 JUROR NO. 3: Yes.

14 THE COURT: No. 4?

15 JUROR NO. 4: Yes.

16 THE COURT: No. 5?

17 JUROR NO. 5: Yes.

18 THE COURT: No. 6?

19 JUROR NO. 6: Yes.

20 THE COURT: No. 7?

21 JUROR NO. 7: Yes.

22 THE COURT: No. 8?

23 JUROR NO. 8: Yes.

24 THE COURT: No. 9?

25 JUROR NO. 9: Yes.

1 THE COURT: No. 10?

2 JUROR NO. 10: Yes.

3 THE COURT: No. 11?

4 JUROR NO. 11: Yes.

5 THE COURT: No. 12?

6 JUROR NO. 12: Yes.

7 THE COURT: Ladies and gentlemen, I
8 sincerely thank you for the service that you have
9 provided over the past two and-a-half weeks. Without
10 you, we would not have the best system of justice known
11 to the world. I simply cannot thank you enough for the
12 time, your attention, your service.

13 I am going to impose upon you for just a
14 couple of more moments. I am going to ask you to go back
15 into the jury room, and I will be in there shortly. All
16 rise for the jury.

17 (Jury out, and the following discussion was
18 held:)

19 THE COURT: Please be seated. I am going to
20 refer both matters to the Probation Department for a
21 presentence investigation report. I am looking at August
22 14th, but gentlemen, it is flexible.

23 So if that doesn't work for you for whatever
24 reason, please do not hesitate to tell me. Let me begin
25 with the government.

3 MR. BROWN: Absolutely, your Honor. Thank
4 you.

5 THE COURT: Mr. Goldberg?

6 MR. GOLDBERG: It appears to be fine, your
7 Honor.

8 MR. O'SHEA: Yes, your Honor.

9 THE COURT: All right. Mr. Nicolescu,
10 sentencing is set August 14 at 10:00 o'clock.

11 || Mr. Miclaus, sentencing, 10:30.

12 On behalf of the government, is there
13 anything further for today?

14 MR. BROWN: Nothing further, your Honor.
15 Obviously, the government requests that the Defendants
16 remain in custody with the Bureau of Prisons until time
17 of sentence.

18 || THE COURT: Okay. Mr. Goldberg?

19 MR. GOLDBERG: I wasn't thinking about
20 asking that they be released, but if the Court could
21 instruct the U.S. Marshals, if it works for them, to
22 place Mr. Nicolescu back at Lake County because he was
23 brought to Euclid for the trial, that would be, I think,
24 in the best interests for working on the sentencing.

25 DEPUTY MARSHAL: Judge, we move them up

1 temporarily for trial. Once trial is done, they get
2 taken back down to CCA, so he will not be sitting in
3 Euclid.

4 MR. GOLDBERG: I thought there was a reason
5 he couldn't be in CCA.

6 THE COURT: I will talk to the Marshals.

7 MR. O'SHEA: Judge, my client, I think he
8 was at Mahoning County jail, and I don't think my client
9 had a problem with that location.

10 THE COURT: Going back to the Government, we
11 do have forfeiture?

12 MR. BROWN: That is correct, your Honor.

13 THE COURT: That's what I thought — I
14 thought you were going to discuss that.

15 MR. BROWN: Your Honor, I think the
16 forfeiture was covered with the other Defendants, so at
17 this time, we would not pursue forfeiture.

18 THE COURT: You are not pursuing forfeiture
19 against these Defendants?

20 MR. BROWN: Correct, the forfeiture
21 enumerated in the indictment, your Honor.

22 THE COURT: All right. Then, that's not an
23 issue we need to address. It is my practice to go in and
24 speak with the jurors.

25 If you want to speak to the jurors, I ask

1 them if they are okay with you coming in, but if you have
2 no interest, I won't even bring it up to the jurors.

3 Government?

4 MR. BROWN: The Government would not pursue
5 speaking with the jurors at this point.

6 THE COURT: Mr. Goldberg?

7 MR. GOLDBERG: Your, Honor could you thank
8 them for me?

9 THE COURT: I don't mind.

10 MR. O'SHEA: Judge, you can do the same, and
11 I would love the opportunity to talk to you later on
12 after you find out about it.

13 THE COURT: Fair enough. We are in
14 adjournment.

15 (At 12:10 p.m. the trial was concluded.)

16 - - - - -

17 C E R T I F I C A T E

18 I, George J. Staiduhar, Official Court
19 Reporter in and for the United States District Court,
20 for the Northern District of Ohio, Eastern Division,
21 do hereby certify that the foregoing is a true
22 and correct transcript of the proceedings herein.

23

24 s/George J. Staiduhar
25 George J. Staiduhar,
Official Court Reporter